


PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		Q65607	
		Application Number	Filed
		09/921,713	August 6, 2001
		First Named Inventor	
		Takayuki USUI	
		Art Unit	Examiner
		3728	Jila M. MOHANDESI
WASHINGTON OFFICE 23373 CUSTOMER NUMBER			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record. Registration number 45,221</p>			
		 Signature	
		Daniel V. Williams Typed or printed name	
		(202) 775-7575 Telephone number	
		May 30, 2007 Date	

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q65607

Takayuki USUI, et al.

Appln. No.: 09/921,713

Group Art Unit: 3728

Confirmation No.: 8286

Examiner: Jila M. MOHANDESI

Filed: August 6, 2001

For: AUTOMATIC PLATE MAKING MACHINE EQUIPPED WITH PHOTSENSITIVE
PRINTING PLATE SUPPLYING APPARATUS AND PRINTING PLATE PACKAGING
MEANS

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the new Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated February 1, 2007, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

STATUS OF CLAIMS:

Claims 8, 27, 30, 33 and 35-40 are pending in the application. Claims 8, 27, 30, 33 and 35-40 are rejected.

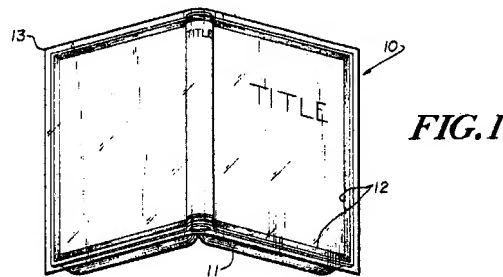
35 U.S.C. § 103:

Claims 8, 27, 30, 33 and 35-40 are rejected under 35 U.S.C. § 103(b) as being unpatenetable over Nowak et al. (U.S. Patent 5,270,901¹ [hereinafter "Nowak"]) in view of Rosenblatt et al. (U.S. Pat. No. 3,483,965 [hereafter "Rosenblatt"]).

Independent claims 8, 30 and 33 describe, *inter alia*, a novel and unobvious printing plate packaging box comprising an opening/closing lid which is removably attached to the box for opening/closing a supply opening; ...and a sheet-type material of which surface is smooth and air tight that is adhered onto an outer surface of the opening/closing lid.

The Examiner asserts that Nowak discloses an enclosure system including a box main body 30 which accommodates a bundle of printing plates 10. The Examiner relies on element 31 for disclosing the claimed opening/closing lid, as shown in Fig. 2 of Nowak. The Examiner acknowledges that Nowak does not disclose the claimed sheet-type material having the smooth and air tight surface, which is adhered onto an outer surface of the opening/closing lid.

Rosenblatt is drawn to providing a dust cover on a binding of a book. (See Rosenblatt, col. 1, lines 31-43.) Figure 1 of Rosenblatt is reproduced below.



¹ It is respectfully noted that the Examiner improperly lists this reference as "5,720,901."

There is no reason to combine the teachings of Nowak with Rosenblatt to obtain the features of independent claims 8, 11 and 33. Rosenblatt is drawn to providing a dust cover on a binding of a book using a heat-shrinkable film. (See Rosenblatt, col. 1, lines 31-43.) Rosenblatt discloses that “it is desirable to have smooth taut dust covers to protect the bindings from wear and dirt and to insure that the books slide easily with respect to each other when they are put on shelves.” (See Rosenblatt, col. 1, lines 45-50.) The book cover of Rosenblatt may be transparent (See Rosenblatt, col. 3, lines 30-32).

As a librarian will appreciate, damage to books is cumulative, such that the repeated incorrect handling and storage of a book can quickly transform a new book into a worn or even an unusable one. The environment around the book is often not controlled and could result in accelerated deterioration and accumulation of mold. Books (especially at the time of Rosenblatt) are often made of leather or cloth, and are susceptible to such environmental factors.

On the other hand, one skilled in the art of printing plates will appreciate that a printing plate box is constructed to protect the photosensitive printing plates. The concerns and environmental factors affecting a printing plate packaging box (e.g., photography lab, manufacturing process, etc.) are much different than a book’s environment (e.g., library, shelf in someone’s home, etc.)

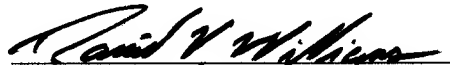
Rosenblatt is also drawn from non-analogous art, which further supports why one would not have combined the references. In order to rely on a reference as a basis for a rejection, the reference must either: (1) be in the field of applicant’s endeavor; or (2) be reasonably pertinent to the particular problem with which the inventor was concerned. *In re Oetike*, 977 F.2d 1443, 1446

(Fed. Cir. 1992). Neither of these two factors is satisfied in the present case. Protecting leather-bound books from dust and wear has nothing to do with the exemplary aspects described in the present specification in regard to the claimed features. Further, Nowak has nothing to do with protecting books and is instead directed to providing a container for storing electrically charged substrates. None of the problems disclosed in Rosenblatt is applicable to the printing plate packaging box of the present invention or the storage of electrically charged substrates in Nowak.

Moreover, when relying on multiple references, the Examiner must identify some reason why one would combine the references. Here, there is no plausible reason for making the proposed combination. There was also no established need or problem known in the field of endeavor, at the time of invention, that would have provided a reason for combining the elements in the manner claimed. The grounds of rejection allege that the cover of Rosenblatt would provide the packaging device of Nowak with a "smooth taut dust cover." However, Nowak does not even suggest any problems which would be remedied by providing a layer of shrink wrap. There is not even an inherent reason because one skilled in the art would not perceive any benefit by providing Nowak with a shrink wrap covering. The contents of the plastic case in Nowak would be no better nor worse, in regard to dust and dirt, with a layer of shrink wrap verses not having the shrink wrap. Moreover, the cover of Rosenblatt is not intended to be removed when the book is used. It is not even clear how such a cover would be applied to Nowak or how Nowak would be operable when saddled with the cover of Rosenblatt.

Thus, Applicant respectfully submits that there is no reason to make the combination, nor is there any known desirability to adding a book-binder-protector to the charge dissipating case of Nowak. Accordingly, Applicant requests that the 35 U.S.C. § 103(a) rejection of claims 8, 30 and 33 in view of Nowak and Rosenblatt be withdrawn. The rejection of dependent claims 27 and 35-40 should also be withdrawn at least due to their respective dependencies on claims 8, 30 and 33.

Respectfully submitted,



Daniel V. Williams
Registration No. 45,221

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 30, 2007